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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Viktors Berstis

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EXAMINER

KENDALL, CHUCK O

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,655

Applicant(s)

BERSTIS, VIKTORS

Examiner

Chuck Kendall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/11/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed 10/11/04.
2. Claims 1 – 24 have been amended and are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 7, 9 – 13, 15, 16 & 19 – 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hesse et al. USPN 5,950,010.

Regarding claim 1, a method for extracting information from a software package, said software package including a number of software modules, organized in a manner determined by said identification information, (8: 19 – 30, see identification column and objects associated with package) said method comprising:

determining an organization of said software modules within said software package (10:19 - 27); and

extracting said identification information from said organization of said software package (10:30 – 39, see install, *note* the files in the package have to be extracted in order to be installed).

Regarding claim 2 the method as set forth in claim 1 wherein said software package comprises software modules coupled together in a manner representative of said identification information (10:7 – 14, see files and objects that make up application suite).

Regarding claim 3, the method as set forth in claim 2 wherein said software modules are coupled together by compiling said software modules into an executable form of said software package (9:5 – 10).

Regarding claim 4, the method as set forth in claim 2 wherein said software modules are coupled together by linking said software modules into an executable form of said software package (9: 5 – 10, see DLL (*dynamic link library*)).

Regarding claim 5, the method as set forth in claim 1 and further including:
analyzing said software package to determine an organizational relationship among said software modules (10:25 – 40 also refer back to 11: 50 – 63); and
determining said first format from said organizational relationship of said software modules (10:25 – 40 also refer back to 11: 50 – 63).

Regarding claim 6, the method as set forth in claim 1 and further including transmitting said organization over a network to a requesting terminal, said requesting terminal being enabled to extract said identification information from said organization of said modules of said software package (FIG. 1A, see workstation 120c (user terminal) and see Network 190).

Regarding claim 7, the method as set forth in claim 6 wherein said software package is transmitted from a user terminal over an Internet network to a server (FIG. 1A, see 110a, DEPLOYMENT SERVER).

Regarding claim 9, the method as set forth in claim 6 wherein said user terminal is a personal computer system (FIG. 1A, 120c).

Regarding claim 10, the method as set forth in claim 1 wherein said identification information includes an identification of a user of said software package (FIG.12, see 1120, and 820).

Regarding claim 11, the method as set forth in claim 1 wherein said identification information includes an identifying number related to said software package (FIG.12, 820 see number under package (06)).

Regarding claim 12, the method as set forth in claim 11 wherein said identification information further includes an identification of a user of said software package (FIG.12, see 1120, and 820).

Regarding claim 13, the method as set forth in claim 1 wherein said software modules are organized in a series of sets of software modules, each of said sets comprising a predetermined number of software modules (5:5 – 10).

Regarding claim 15, the method as set forth in claim 13 wherein said first format is other than a binary format, each of said sets comprising a number of said software modules other than two, said first format being determined according to an order in which said number of software modules are sequenced within said sets of software modules (see 8: 1 – 15, also see 11: 50 – 63 for format).

Regarding claim 16, which is the medium version of claim 1 above, see rationale as previously discussed.

Regarding claim 19, which is the medium version of claim 9 above, see rationale as previously discussed.

Regarding claim 20, the medium as set forth in claim 16 wherein software package resides on a memory device within a computer device (see storage device in FIG. 1B)

Regarding claim 21, which is the medium version of claim 10 above, see rationale as previously discussed.

Regarding claim 22, which is the medium version of claim 11 above, see rationale as previously discussed.

Regarding claim 23, which is the medium version of claim 9 above, see rationale as previously discussed.

Regarding claim 24, Hesse anticipates a network arranged to enable extracting of organizational information of an organization of software modules within a software package at a user terminal and transferring said organizational information to a server for use in deriving identification information embedded within said organizational information, said network comprising:

- a user terminal at which said software package resides(FIG.1A, 120c);

- a server(FIG.1A, 110a); and

- an interconnection between said server and said user terminal, said user terminal being responsive to a request to upload said organizational information of said

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software package for determining said organizational information and transferring said organizational information to said server (FIG.1A, 190, see network, which is interconnected to all items).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hesse et al. USPN 5,950,010 as applied in claim 6, in view of Chen et al. USPN 6,496,979 B1.

Regarding claim 8, Hesse discloses all the claimed limitations as applied in claim 6 above. Hesse doesn't not expressly disclose wherein said user terminal is a wireless device. However, Chen discloses installing a program application from a storage source onto a mobile device using a plurality of setup package files to one or more mobile devices (3:15 – 20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hess and Chen because, it would have enabled installation of applications to mobile devices in a distributed environment.

7. Claims 14,17 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hesse et al. USPN 5,950,010 as applied in claim 14 & 17 in view of Nabahi. USPN 6,006,035.

Regarding claim 14, Hesse discloses all the claimed limitations as applied in claim 13 above. Hesse doesn't explicitly disclose wherein said series of sets corresponds to a binary series. However, Nabahi does disclose a compiler which uses .INS instruction files that cannot read or modified using a standard ASCII editor.

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hess and Nabahi because, using binary files would make the instructions more secure.

Regarding claim 17, Hesse discloses all the claimed limitations as applied in claim 16 above. Hesse doesn't explicitly disclose wherein said medium is an optically encoded disk. However, Nabahi does disclose acquiring by the system administrator of the application software and installation files through magnetic disk or other medium, (2:65 – 67) in what Nabahi discloses to be "the oldest prior art method...CD ROM or disk...." of executing an installation program (3:5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hess and Nabahi because, using disks is a general practice in the art and would enable older systems or systems not attached to a network to be upgraded more efficiently.

Regarding claim 18, see reasoning in claim 17.

Response to Arguments

8. Applicant's arguments with respect to claims 1 – 24 have been considered but are moot in view of the new ground(s) of rejection.

However, regarding the newly added limitation of organized in a manner determined by said identification information, and extracting identification information, Hesse still discloses this limitation. As set forth above in claims rejections and as recited in Hesse on column 8, lines 19 – 30, Hesse teaches an identification column and objects associated with package (organized in a manner determined by ...identification information). Hesse also discloses 2: 47 – 50, selecting the applications and adding the

selected application module from a list. Examiner interprets this to be equivalent to Applicant's claim of extracting identification information.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK.



TUAN DAM
SUPERVISORY PATENT EXAMINER